

# Order

Michigan Supreme Court  
Lansing, Michigan

Entered: January 22, 2003

Maura D. Corrigan,  
Chief Justice

2001-48

Amendments of Rules 7.203,  
7.210, 7.211, 7.215, and 7.219  
of the Michigan Court Rules

---

Michael F. Cavanagh  
Elizabeth A. Weaver  
Marilyn Kelly  
Clifford W. Taylor  
Robert P. Young, Jr.  
Stephen J. Markman,  
Justices

On order of the Court, notice of the proposed changes and an opportunity for comment in writing and at a public hearing having been provided, and consideration having been given to the comments received, the following amendments of Rules 7.203, 7.210, 7.211, 7.215, and 7.219 of the Michigan Court Rules are adopted, effective May 1, 2003.

[The present language of MCR 7.203 is amended as indicated below.]

Rule 7.203 Jurisdiction of the Court of Appeals

(A)-(E) [Unchanged.]

(F) Dismissal.

(1)-(2) [Unchanged.]

(3) The clerk will not accept for filing a motion for ~~rehearing~~ reconsideration of an order issued by a 3-judge panel that denies a motion for reconsideration filed under subrule (2).

[The present language of MCR 7.210 is amended as indicated below.]

Rule 7.210 Record on Appeal

(A)-(G) [Unchanged.]

(H) Return of Record. After the Court of Appeals disposes of an appeal, the Court of Appeals shall promptly send the original record, together with a certified copy of the opinion, judgment, or order entered by the Court of Appeals

(1) [Unchanged.]

(2) to the clerk of the court or tribunal from which it was received when

(a) [Unchanged.]

(b) there is pending in the Court of Appeals no

- (i) timely motion for ~~rehearing~~ reconsideration,
- (ii)-(iii) [Unchanged.]

(I) [Unchanged.]

[The present language of MCR 7.211 is amended as indicated below.]

Rule 7.211 Motions in Court of Appeals

(A) [Unchanged.]

(B) Answer.

(1) [Unchanged.]

(2) ~~Unless a motion for immediate consideration has been filed, t~~The answer must be filed within

- (a) 21 days after the motion is served on the other parties, for a motion to dismiss, to remand, or to affirm;
- (b) 35 days after the motion is served on the appellee, if the motion is for peremptory reversal;
- (c) 56 days after the motion is served on the defendant, for a motion to withdraw as the appointed appellate attorney;
- (d) 14 days after the motion is served on the other parties, for a motion for ~~rehearing~~ reconsideration of an opinion or an order;
- (e) 7 days after the motion is served on the other parties, for all other motions.

If a motion for immediate consideration has been filed, the answer must be filed ~~before the notice date, if any,~~ within the time stated above, or as directed by the Court of Appeals. See subrule (C)(6).

(3) [Unchanged.]

(C)-(E) [Unchanged.]

[The present language of MCR 7.215 is amended as indicated below.]

Rule 7.215 Opinions, Orders, Judgments, and Final Process from Court of Appeals

(A)-(G) [Unchanged.]

(H) Certain Dispositive Orders and Opinions in Criminal Cases; Expedited Notice to Prosecutor. In a criminal case, if the prosecuting attorney files a notice of a victim's request for information and proof that copies of the notice were served on the other parties to the appeal, then, coincident with issuing an order or opinion that reverses a conviction, vacates a sentence, remands a case to the trial court for a new trial, or denies the prosecuting attorney's appeal, the clerk of the court must electronically transmit a copy of the order or opinion to the prosecuting attorney at a facsimile number or electronic mail address provided by the prosecuting attorney in the notice.

(HI) Rehearings Reconsideration.

(1) A motion for rehearing reconsideration may be filed within 21 days after the date of the order or the date stamped on an opinion. The motion shall include all facts, arguments, and citations to authorities in a single document and shall not exceed 10 double-spaced pages. A copy of the order or opinion of which rehearing reconsideration is sought must be included with the motion. Motions for rehearing reconsideration are subject to the restrictions contained in MCR 2.119(F)(3).

(2) A party may answer a motion for rehearing reconsideration within 14 days after the motion is served on the party. An answer to a motion for rehearing reconsideration shall be a single document and shall not exceed 7 double-spaced pages.

(3) The clerk will not accept for filing a motion for rehearing reconsideration of an order denying a motion for rehearing reconsideration.

(4) The clerk will not accept for filing a late motion for reconsideration.

(I) Resolution of Conflicts in Court of Appeals Decisions.

(1)-(6) [Unchanged.]

(7) Rehearing Reconsideration; Appeal. There is no appeal from the decision of the Court of Appeals as to whether to convene a special panel. As to the decision in the case at bar, the time limits for moving for rehearing reconsideration or for filing an application for leave to appeal to the Supreme Court run from the date of the order declining to convene a special panel or, if a special panel is convened, from the date of the decision of the special panel, except that, if the case is returned to the original panel for further consideration in accordance with subrule (5), the time limits shall run from the date of the original panel's decision, after return from the special panel. If a motion for rehearing reconsideration is filed, it shall be submitted to the special panel, which, if appropriate, may refer some or all of the issues presented to the original panel.

[The present language of MCR 7.219 is amended as indicated below.]

Rule 7.219 Taxation of Costs; Fees

(A) [Unchanged.]

(B) Time for Filing. Within 28 days after the dispositive order, opinion, or order denying ~~rehearing~~ reconsideration is mailed, the prevailing party may file a certified or verified bill of costs with the clerk and serve a copy on all other parties. Each item claimed in the bill must be specified. Failure to file a bill of costs within the time prescribed waives the right to costs.

(C)-(I) [Unchanged.]

Staff Comment: The January 22, 2003, amendment of MCR 7.211(B), effective May 1, 2003, clarifies the deadline for answering a substantive motion when there also is a motion for immediate consideration of that motion.

The January 22, 2003, amendment of MCR 7.215(H), effective May 1, 2003, details how the Court of Appeals carries out the notification duties assigned to it by the 2000 PA 503 amendments of the Crime Victims Rights Act, MCL 780.751 *et seq.*

The January 22, 2003, amendment of MCR 7.215(I) (4), effective May 1, 2003, added the provision that the Court of Appeals clerk will not accept untimely motions for reconsideration. The same amendment order changed the title of a motion for “rehearing” to “reconsideration” in several other MCR Subchapter 7.200 rules.

The staff comment is published only for the benefit of the bench and bar and is not an authoritative construction by the Court.